

**STATE OF WEST VIRGINIA**  
**EXECUTIVE DEPARTMENT**  
**AT CHARLESTON**  
**EXECUTIVE ORDER NO. 8-12**  
**By the Governor**

**WHEREAS**, West Virginia's Workforce Investment System provides important training to many West Virginians which enhance participants' skills and earning potential and contributes to the vitality of the West Virginia economy; and

**WHEREAS**, West Virginia faces a drug abuse crisis, one where our talented workforce increasingly becomes addicted to illegal or controlled substances; and

**WHEREAS**, as a result of heightened use of controlled substances, too many of the graduates of our workforce training programs do not return to the workforce because they cannot pass a drug test; and

**WHEREAS**, the inability of our graduates to return to the workforce due to drug abuse produces a rippling effect on West Virginia, as our programs lose valuable education dollars, our communities lose productive members, and our State loses the opportunity to strengthen our economy; and

**WHEREAS**, in order to counter the negative effects of drug abuse and addiction among our State's workforce training program participants, we must require that individuals pass a mandatory drug screening prior to enrolling in training programs funded under Title I of the Workforce Investment Act ("WIA").

**NOW, THEREFORE, I, EARL RAY TOMBLIN**, pursuant to the authority vested in me as the Governor of West Virginia, do hereby **ORDER** that:

1. Workforce West Virginia, pursuant to its authority under Section 181(f) of Title I of the WIA, 29 U.S.C. § 2931(f), shall develop and implement a drug screening policy for WIA Title I training-level services.

2. The drug screening policy shall:
  - (a) provide guidance to local workforce investment boards and their operators regarding mandatory drug screening for WIA Title I training-level participants;
  - (b) require that all participants seeking to enroll in training-level services funded by WIA Title I Adult, Dislocated Worker, and Youth program, or National Emergency Grant Training program ("NEG"), be screened utilizing a ten-panel urinalysis for the use of the following controlled substances prior to beginning training: amphetamines, cannabinoids/THC, cocaine, opiates, phencyclidine (PCP), benzodiazepines, propoxyphene, methadone, barbiturates, and synthetic narcotics;
  - (c) require that all such participants shall successfully pass the drug screen prior to being enrolled in training funded by WIA Title I, individual training accounts or on-the-job training;
  - (d) provide that participants who test positive for any of the above named controlled substances shall be sanctioned from receiving any WIA or NEG funded training-level services for a period of (i) ninety calendar days from the date of the first positive drug screen, or (ii) one calendar year from the date of the second positive drug screen;
  - (e) provide participants a right to appeal the results of a drug screening administered for the purposes of providing WIA or NEG funded services;
  - (f) provide an effective date for implementation of the drug screening policy; and
  - (g) provide such other requirements as Workforce West Virginia deems necessary or appropriate in furthering the purposes of this Order.

3. Workforce West Virginia may establish a contract with a vendor to provide drug screening to those participants that require a drug screen and to review and certify the results of the drug screen.

4. Workforce West Virginia shall be responsible for all costs of the drug screens required by the drug screening policy.

5. Workforce West Virginia shall establish an effective date for implementation of the drug screening policy and shall inform the Governor when such effective date is established.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the  
Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol, in the City of  
Charleston, State of West Virginia, this the  
twenty-fourth day of April, in the year of  
our Lord, Two Thousand Twelve, and in the  
One Hundred Forty-Ninth year of the State.

*Earl Ray Tomblin*  
GOVERNOR

By the Governor

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SECRETARY OF STATE